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FROM: Ambassador LONDON

Date Sent: April 18, 1959

TO: Secretary of State

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Ambassador BERLIN G-UNNSUBJECT: US Delegation Berlin Paper submitted to Four Power Working Group,
London, April 15, 1959FROM HILLENBRAND
PASS DEFENSE

DECLASSIFIED

Authority: 901068
By: HR-m/SG 6/22/91

Following is text of paper, BERLIN (Suggested Western Position),
tabled by US delegation at April 15 meeting of Four Power Working Group,
London. (Text identical with Western version of LMG 7 circulated in the
Department ~~unpublished~~, as revised.

BERLIN

(Suggested Western Position)

1. The Western Powers should include a proposal on Berlin as part of
their general proposal covering the German question as a whole and
European security. (The Four-Power Working Group Report did not con-
tain any specific recommendation as to what the Western Powers should
propose concerning Berlin.) In so doing they can make a proposal which
goes somewhat beyond the status quo. Any general package would appear
incomplete to public opinion if it made no specific reference to Berlin.
Since Soviet acceptance of a general plan would indicate a readiness on
their part to deal with the basic cause of the Berlin problem -- i.e.,
the division of Germany -- the West can afford to consider a change in
the status of the occupation regime along the lines indicated below
within such a context. However, in presenting such a proposal on Berlin,
the Western Powers should make it clear that it is not a standing offer
but something to be considered and executed only as part of a larger
agreement on the entire plan for reunification, European security and a
peace settlement.

2. The Western powers should present the following proposals (to
become effective at an appropriate point during the second stage of our
plan on reunification and security) on Berlin at the same time that they
present their proposals for a general settlement of the German problem.

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- A. Berlin is one city and belongs to all of Germany. East and West Berlin should, therefore, be united through free elections held under UN supervision.
 - B. Simultaneously a plebiscite, likewise under UN supervision, should be held to determine the wishes of the Berlin population as to whether foreign troops should remain in Berlin, and if so, troops of which country or countries.
 - C. The GDR should remove its capital from Berlin so that the city may remain in trust as the destined capital of a reunited Germany to be achieved in Stage III.
 - D. During the interim period until Germany is reunited and a peace treaty is entered into the Four Powers should guarantee the continued presence of such foreign troops in Berlin as may be approved under B and free and unrestricted access to Berlin.
3. If forced into a consideration of the problem of Berlin alone by reason of Soviet refusal to discuss a general settlement of the German problem, the Western powers should take the following positions in the indicated sequence.
- A. The Western powers should propose that all Berlin be united under free elections under UN supervision, that forces of the four occupying powers should remain (with the Vienna-type veto), that access routes be guaranteed by the Four Powers, and that the capital of the GDR should be removed from Berlin.
 - B. If A is rejected the Western Powers should propose that free air and surface access to Berlin under tripartite control be agreed by the Soviets. This would be the logical consequence of the legal fact that Soviet abandonment of their occupation rights would result in the ending of any limitation on the occupation rights of the Three Western Powers which they had agreed with the Soviet Union in 1943-1945.
 - C. If the foregoing positions (3A-B) proves non-negotiable, then the Western Powers should agree to the Soviets turning over the traffic control and check points on the access routes to GDR personnel with an explicit written agreement with the Soviet Union that in so doing the GDR is acting as agent for the Soviet Union. Such agreement should further provide the terms on which freedom of access to Berlin would be maintained.
 - D. If the foregoing positions prove non-negotiable, the Western Powers should propose a specific arrangement along the lines set forth in Tab. A.

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- E. If this position (3D) proves non-negotiable, then the Western Powers should revert to insistence on the maintenance of their present rights of presence in West Berlin and access under existing agreements with assurances from the Soviets that the exercise of their rights will in the future be completely free from interference or harassment.

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~~SECRET~~MEMORANDUM

TAB A

Subject: Elements of a Limited Interim Agreement on Berlin

1. Introduction

1. This memorandum sets out one type of limited proposal on Berlin which could be considered, if it became clear that no progress was being registered toward a general settlement of the German problem.

2. The test of this proposal is conceived as being not whether it would be acceptable to the Soviets but whether it would:

(a) if rejected by the Soviets, strike Western opinion as having been sufficiently negotiable to place the onus for any subsequent failure to resolve the crisis peacefully on the USSR, rather than the Western powers;

(b) if accepted by the Soviets, create a situation regarding Berlin which would be at least as favorable to Western powers as that now existing.

3. This proposal includes some of the elements which were considered by the Four Power Working Group. It would meet the criteria specified by the Four Power Working Group:

(a) It would be a solution of the problem on a Four Power basis, rather than on a UN basis, i.e., a solution devised by the Four Powers rather than the UN and a solution which preserved responsibility in the Four Powers.

(b) It would ensure that Western occupation troops remained in West Berlin and with unimpaired access.

(c) It would preserve the existing basis of our right to be in Berlin, i.e., the right of conquest.

(d) It would preserve unimpaired the integration of the economy of West Berlin with that of the Federal Republic.

II. The Proposal

4. The Three Powers would announce:

(a) Their intention to maintain their rights in regard to Berlin, stemming from the military defeat and occupation of Germany and from post-war international agreements with the USSR, until an all-German settlement has reunified Germany in freedom, in order to discharge their responsibilities to the free people of West Berlin.

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(b) That they continue to consider the Soviet Government responsible for fulfillment of its obligations to the Three Powers in relation to their presence in Berlin and freedom of access to that city.

(c) That the declarations and arrangements for a UN presence in Berlin set forth below do not in any way alter these existing rights and obligations, stemming from the military defeat and occupation of Germany, but are rather intended to facilitate their fulfillment.

5. A declaration would be made by the East German authorities that pending German unification:

(a) They will not deviate from existing procedures (i.e., the procedures that were followed during a specified period, such as April, 1959) regarding allied military traffic to Berlin.

(b) They will be governed by the Paris, June 20, 1949 Big Four Communiqué in procedures relating to civilian traffic.

6. The USSR would associate itself with this GDR declaration.

7. Declarations would be made by the Big Four Powers that they will not use or threaten force to overthrow existing arrangements regarding the government of Berlin. Separate declarations would be made by the Federal Republic and by the East German authorities to the same effect.

8. A United Nations Special Representative would be established in Berlin. The agreement concerning his presence and functions, which is set forth below, would be worked out directly between the Big Four, not by the UN. The Big Four would then request the UN Secretary General to appoint a UN Special Representative in Berlin to perform the limited and specific role called for in that agreement, after the agreement had been concluded. Regardless of the Berlin sector in which the Special Representative and his staff had their headquarters they would have the right to be present in both East and West Berlin. In addition to symbolizing the UN interest in Berlin, the UN Special Representative would:

(a) monitor fulfillment of the above Declarations concerning free access to Berlin and non-use of force to overthrow existing arrangements regarding Berlin;

(b) be assisted by a limited staff of UN observers, who would be stationed in Berlin (possibly including the Air Safety Center) and at the access checkpoints, and who could engage in patrols as needed along the surface routes of access, in order to verify fulfillment of these Declarations;

(c) offer local assistance to the interested parties, if they desired, in any technical discussions among them as to whether the above Declarations were being observed in specific instances.

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9. A UN regional office with suitable physical facilities could be established in Berlin:

(a) to house the UN Special Representative and observers;

(b) to provide space for any meetings of United Nations subsidiary organs that might be held in Berlin and for any United Nations activities that might have requirements in Berlin.

III. Possible Additional Features

The elements set forth below might also possibly be accepted, in response to Soviet proposals or otherwise, if the course of negotiations indicated that this would be in the US interest:

10. Without involving or implying any limitation on the flow of refugees to West Berlin or from West Berlin to West Germany, the UN Representative might be given a special responsibility for handling refugees in the Berlin area so as to:

(a) relieve the occupation powers of the necessity for direct action in this field;

(b) ensure that refugees in West Berlin refugee camps abstained from improper activities and that refugees were not exploited for intelligence and propaganda purposes in the Berlin area.

11. Declarations might be made by the Big Four Powers that they would not carry out inflammatory propaganda from East or West Berlin. This could be related to the UN General Assembly's 1947, 1949 and 1950 Resolutions calling on states to stop inflammatory broadcasts. The US could relate its support of this declaration also to the President's proposal to the Emergency UNGA concerning inflammatory propaganda (which included the statement that "if we in the United States have been at fault we stand ready to be corrected").

12. Declarations might be made by the Western Three Powers that they would not, so long as the declarations concerning free access and non-use of force within Berlin were being observed, station more than a given level of Western forces in West Berlin. This level might possibly be very slightly below the present level of Western forces. This ceiling would only become effective one year after the Declarations concerning free access and non-use of force within Berlin were made, in order to test Communist good faith in carrying out those Declarations. (This declaration might, if the Three Powers wished, be supplemented by, and rendered conditional on fulfillment of, a declaration by the East German authorities and/or the Soviets that not more than a given level of forces would be stationed in East Berlin.)

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~~SECRET~~IV. Commentary

13. This limited interim agreement would involve the following gains for the West:

(a) It would secure a public GDR declaration, with which the USSR associated itself, to observe the procedures regarding military access which were in effect during a specified period, thus identifying these procedures with considerable precision. Such declarations would make it more costly, in terms of world opinion, for the Bloc to try to alter these access procedures. They would provide a clearer basis for the Three Powers to use force if this occurred. Since these declarations would be public statements of Bloc intentions "to whom it may concern," and would not be formally accepted or acknowledged by the Three Powers, they would not constitute a contractual relation or otherwise affect our existing occupation rights. The association of the USSR with the GDR declaration would be consistent with our view that the USSR remains responsible for fulfillment of those rights.

(b) It would secure a GDR declaration to observe the agreement concerning civilian access that was reached after the last Berlin blockade, and it would associate the USSR with this declaration. Inclusion of civilian access - in even these general terms - would be desirable, in view of its importance and its vulnerability, and in view of the fact that this traffic is already under GDR control.

(c) It would elicit a generalized Bloc declaration not to use force to overthrow existing arrangements regarding Berlin, which might have some political and psychological value in strengthening the status quo.

(d) It would establish authorized UN observers at the access points and routes, who could be helpful both in factually identifying any breach of our access rights and in pinpointing responsibility for that breach.

(e) It would create the possibility that UN observers might play a role in technical disputes as to whether existing access procedures were being observed in specific instances, which could make it possible to avoid or minimize Western dealings with East German authorities in such specific disputes. If we did not wish the UN observers to assume this role they would not do so, since this would be dependent on the desires of the interested parties. The UN observers would not play any role in arbitrating disputes or enforcing our rights; they would have no responsibility relating to the government of Berlin or to the presence of allied forces in Berlin. Despatch of these observers would be by the UN Secretary General, acting on his authority and by request of the Three Powers; the UN General Assembly and/or Security Council need not be involved.

14. The Three Powers would not be accepting any weakening of their position:

(a) a self-denying ordinance on certain types of propaganda, if this were

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agreed, would not represent any loss. The definition of inflammatory propaganda which would be offered (the UN resolutions and the President spoke of broadcasts which had the effect of "fomenting civil strife and subverting the will of the people in any state") need not be such as to preclude existing, useful information activities.

(b) UN handling of refugees, if this were agreed, would not restrict their flow either to Berlin or from Berlin to the West.

(c) A ceiling on Western forces in West Berlin, if this were agreed, would not involve other than token reductions at most, and thus would not affect either these forces' capabilities or their symbolic value. It would not take place, moreover, until and unless the limited agreement concerning access procedures had been fully observed for a year.

WHITNEY

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4/17/99

Authorized by: Martin J. Hillenbrand

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